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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,966

06/15/2006

Andrea Barbaresi

09952.0058

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07/02/2009

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EXAMINER

PATEL, SHAMBHAVI K

ART UNIT

PAPER NUMBER

2128

MAIL DATE

DELIVERY MODE

07/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,966	Applicant(s) BARBARES ET AL.	
	Examiner SHAMHAVI PATEL	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23, 25-28, 30-33, 35-38, 40-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 25-28, 30-33, 35-38, 40-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 23, 25-28, 30-33, 35-38, 40-42 and 44 have been presented for examination. Claims 24, 29, 34, 39, and 43 have been cancelled.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Response to Arguments

3. In view of Applicant's amendments, the previously issued 35 U.S.C. 112 rejection is withdrawn and an amended rejection has been issued below.

4. In view of Applicant's amendments and recent Office policy regarding 35 U.S.C. 101, the 35 U.S.C. 101 rejection is withdrawn.

5. Applicant's arguments regarding the prior art rejection have been fully considered but they are not persuasive.

- i. **Applicants submit**, on page 13 of the remarks, that the prior art does not disclose modifying the discrete mobile terminal devices so that they can operate with a plurality of different telecommunication systems simultaneously.

Examiner notes Barbaresi explicitly states, **on page 3**, "...the system allows the simulation of networks where different cellular telephone systems are operating, such as GSM, GPRS and/or UMTS..." Furthermore, the claim does not disclose modifying the devices so that they can operate with a plurality of different telecommunication systems simultaneously, but only requires that the devices be able to operate with a plurality of different telecommunication systems simultaneously. As stated in the aforementioned portion of the reference, this is disclosed in the prior art.

- ii. **Applicants submit**, on pages 13-14 of the remarks, that Barbaresi does not disclose modules that comprise a part that is common to all the systems and a part that is specific for one of the systems.

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Examiner notes that Barbaresi discloses, on **page 7**, that the generic device comprises a module for mobility management (i.e. common) and a class representative of the device “terminal GSM type” and a class representative of the device “terminal of GPRS type”, both specific for one of the systems.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “Node B” in the claim is vague and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 23, 25-28, 30-33, 35-38, 40-42 and 44 are rejected under 35 U.S.C. 102(b)** as being clearly anticipated by **Barbaresi (WO 02/104055)**.

Regarding claims 22, 33 and 44:

Barbaresi discloses a method for simulating communication networks by means of an object based architecture in which each object represents a device of the network, the simulated network being capable of corresponding to a plurality of different systems, comprising the step of subdividing the physical devices of the network, for simulation purposes, into:

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- a. identifying a first set of system-independent devices, operation of the system-independent devices being identical for each of the plurality of different telecommunication systems (**pages 6-7: objects related to the scenario being simulated, such as typology and location of buildings**)
- b. identifying a second set of system devices, the operation of the system-dependent devices in said second set being specific for one of the plurality of different telecommunication systems (**page 6 last paragraph: devices representative of physical devices of the network**), the second set including mobile terminal devices (**page 7: terminal devices**)
- c. identifying a third set of interaction devices, the interaction devices of said third set being able to communication and interact with said system-independent devices and with said system-dependent devices (**page 9 4th paragraph: radio link**)
- d. assigning to each device software modules relating to different functionalities managed by the device (**pages 6 and 7: devices represented by software**)
- e. modeling, on the digital computer, the mobile terminal devices as a grouping of modules simulating behavior of different communication protocols (**page 6: GSM and GPRS**)
 - i. application modules having a same implementation for the plurality of different telecommunications systems (**page 7: mobility module**)
 - ii. access modules being specific for one of the plurality of different telecommunication systems (**page 7: class representative of the device “terminal GSM type” and a class representative of the device “terminal of GPRS type”**)
 - iii. core network modules being used by the plurality of different telecommunication systems but with partly different operation for each of the plurality (**pages 7 and 8: GSM_MS and GPRS_MS**)

Regarding claim 44, Barbaresi discloses a computer program product capable of being loaded in the memory of at least an electronic computer and comprising portions of software code capable of implementing the method as claimed in claim 23 (**page 4 1st-2nd paragraphs**).

Regarding claims 25 and 35:

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Barbaresi discloses a generic host (HOST) holding an application server of a packet-switched network (page 6: HOST).

Regarding claims 26 and 36:

Barbaresi discloses providing one of a mobile services switching center (MSC), a serving GPRS support node (SGSN) and a gateway GPRS support node (GGSN) (page 6: SGSN, GGSN).

Regarding claims 27 and 37:

Barbaresi discloses providing one of a BTS and BSC for a GSM/GPRS system and a Node B and an RNC for a UMTS system (page 6: BTS and BSC; page 11: generic device BTS).

Regarding claims 28 and 38:

Barbaresi discloses the method as claimed in claim 23, wherein the modules said mobile terminal devices comprise a part that is common to all the systems of said plurality and a part that is specific for the one of the plurality (page 7 2nd paragraph: MS 41).

Regarding claims 30 and 40:

Barbaresi discloses configuring the set of said application modules and of said core network modules in a mobile unit (page 9 4th paragraph: radio link; pages 13 and 14: initialization).

Regarding claims 31 and 41:

Barbaresi discloses configuring said mobile terminal devices as constituted by the composition of said mobile unit and of specific access modules of the one of the plurality of different telecommunication systems (page 4 3rd paragraph: configuration; pages 13 and 14: initialization).

Regarding claims 32 and 42:

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Barbaresi discloses making the access modules of said mobile terminal devices communicate with the modules present in the devices of said second set (**pages 7 and 8: GSM_MS and GPRS_MS**).

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Examiner's Remarks: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shambhavi Patel whose telephone number is (571) 272-5877. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-22792279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP

/Michael D Masinick/

Primary Examiner, Art Unit 2128

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